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7 Attorneys for Defendant  
CATERPILLAR INC.

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

10  
11 RALPH H. MCKEE, JR. AND KRISTINE  
MCKEE,

12 Plaintiffs,

13 vs.

14 CATERPILLAR INC.; and Does 1 Through 100,  
15 Inclusive,

16 Defendants.

CASE NO. C-07-3900-EDL

**DEFENDANT CATERPILLAR  
INC.'S NOTICE OF FILING OF  
NOTICE TO ADVERSE PARTIES OF  
REMOVAL**

17  
18 **TO THE CLERK OF THE UNITED STATES DISTRICT COURT, NORTHERN**  
19 **DISTRICT OF CALIFORNIA:**

20 **PLEASE TAKE NOTICE THAT** on August 1, 2007, Defendant CATERPILLAR  
21 INC. filed and served a Notice to Adverse Party of Removal and Jury Demand pursuant to 28  
22 U.S.C. § 1446(d) and a Certification of Interested Entities or persons pursuant to Civ. L.R. 3-  
23 16. Attached hereto is a true and correct copy of the Notice to Adverse Party of Removal, Jury  
24 Demand, and Certification of Interested Entities or Persons without the attachments, which  
25 were already filed in this Court and served, and with the proof of service of such Notice

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27 ///

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**SEDGWICK**  
DETERT, MORAN & ARNOLD LLP

1 of Adverse Party of Removal, Jury Demand and Certification of Interested Entities or  
2 Persons.

3 DATED: August 2, 2007

SEDGWICK, DETERT, MORAN & ARNOLD LLP

4  
5  
6 By: 

Steven D. Wasserman  
Michael L. Fox  
Attorneys for Defendant  
CATERPILLAR INC.

08/01/2007 08:08 FAX 415 7812635

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10 michael.fox@sdma.com

11 Attorneys for Defendant  
12 CATERPILLAR INC.

**ENDORSED-FILED**

AUG - 1 2007

CLERK OF MENDOCINO COUNTY  
SUPERIOR COURT OF CALIFORNIA

~~KAREN CRUTCHER~~

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 COUNTY OF MENDOCINO

12 RALPH H. MCKEE, JR. AND KRISTINE  
13 MCKEE,

14 Plaintiffs,

15 vs.

16 CATERPILLAR INC.; and Docs 1 Through 100,  
17 Inclusive,

18 Defendants.

CASE NO. SCWLCVPO 07-99253

DEFENDANT CATERPILLAR  
INC.'S NOTICE TO ADVERSE  
PARTIES OF FILING OF NOTICE  
OF REMOVAL

**BY FAX**

19 TO THE CLERK OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
20 FOR THE COUNTY OF SAN FRANCISCO, AND TO PLAINTIFFS RALPH H. MCKEE,  
21 JR. AND KRISTINE MCKEE AND THEIR COUNSEL OF RECORD:

22 PLEASE TAKE NOTICE THAT a Notice of Removal of this action and Jury Demand  
23 were filed in the United States District Court for the Northern District of California - San  
24 Francisco Division on July 31, 2007. Under 28 USC §§ 1441, 1446 and Federal Rules of Civil  
25 Procedure, Rule 81(c), this action now will be placed on the docket of this District Court for  
26 further proceedings.

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**SEDGWICK**  
DETERT, MORAN & ARNOLD LLP

SP11432826V1

DEFENDANT CATERPILLAR INC.'S NOTICE TO ADVERSE PARTIES  
OF FILING OF NOTICE OF REMOVAL

11217836.M - 8/1/2007 9:18:22 AM

1 A true and correct copy of said Notice of Removal and Jury Demand to accomplish the  
2 removal of the above-captioned action is attached hereto and is served and filed herewith.

3  
4 DATED: July 31, 2007

SEDGWICK, DETERT, MORAN & ARNOLD LLP

5  
6  
7 By: 

Steven D. Wasserman  
Michael L. Fox  
Attorneys for Defendant  
CATERPILLAR INC.

*In Re McKee v. Caterpillar*

1017-009131

Superior Court of the State of California, County of Mendocino, Case No. SCWLCVPD 07-99253

**PROOF OF SERVICE**

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is Sedgwick, Detert, Moran & Arnold LLP, One Market Plaza, Steuart Tower, 8th Floor, San Francisco, California 94105. On August 1, 2007, I served the within document(s):

**DEFENDANT CATERPILLAR INC.'S NOTICE TO ADVERSE PARTIES  
OF FILING OF NOTICE OF REMOVAL**

- ☐ FACSIMILE - by transmitting via facsimile the document(s) listed above to the fax number(s) set forth on the attached Telecommunications Cover Page(s) on this date before 5:00 p.m.
- ☒ MAIL - by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Francisco, California addressed as set forth below.
- ☐ PERSONAL SERVICE - by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- ☐ OVERNIGHT COURIER - by placing the document(s) listed above in a sealed envelope with shipping prepaid, and depositing in a collection box for next day delivery to the person(s) at the address(es) set forth below via .

Clayton W. Kent, Esq.  
Brayton ♦ Purcell LLP  
222 Rush Landing Road  
P.O. Box 6169  
Novato, California 94948-6169

Attorneys for Plaintiffs

Tel: (415) 898-1555  
Fax: (415) 898-1247

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on August 1, 2007, at San Francisco, California.

  
Marlene Adelman

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9 UNITED STATES DISTRICT COURT  
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12 RALPH H. MCKEE, JR. AND KRISTINE  
MCKEE,

13 Plaintiffs,

14 vs.

15 CATERPILLAR INC.; and Does 1 Through 100,  
16 Inclusive,

17 Defendants.

C 07 3900  
CASE NO.

DEFENDANT CATERPILLAR  
INC.'S CERTIFICATION OF  
INTERESTED ENTITIES OR  
PERSONS PURSUANT TO CIV.L.R.  
3-16

18 TO THE CLERK OF THE UNITED STATES DISTRICT COURT, NORTHERN  
19 DISTRICT OF CALIFORNIA:

20 CERTIFICATE PURSUANT TO CIV. L.R. 3-16

21 Pursuant to this Court's Civil Local Rule 3-16, the undersigned certifies that, as of this  
22 date, other than the named parties to this action, there is no such interest to report.

23 DATED: July 31, 2007

SEDGWICK, DETERT, MORAN & ARNOLD LLP

24  
25 By: 

26 Steven D. Wasserman

Michael L. Fox

27 Attorneys for Defendant and Cross-Complainant  
28 CATERPILLAR INC.

SEDGWICK  
DETERT, MORAN & ARNOLD LLP